

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DANIEL ECKSTORM, SR.,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 08-226-SLR
)	
MONICA THOMPSON,)	
)	
Defendant.)	

ORDER

WHEREAS, plaintiff, Daniel Eckstorm, Sr., was a prisoner incarcerated at the Sussex Correctional Institution at the time he filed his complaint under 42 U.S.C. § 1983, along with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915;

WHEREAS, on May 6, 2008, this court entered an order granting leave to proceed in forma pauperis, and requiring plaintiff to pay the \$350.00 filing fee as determined by statute;

WHEREAS, on May 13, 2008, the court was notified that plaintiff is no longer incarcerated;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7th Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed. Appx. 429 (3d Cir. 2003).

THEREFORE, at Wilmington this 4th day of June, 2008, IT IS HEREBY ORDERED that within thirty days from the date of this order, plaintiff shall either pay the filing fee owed (\$350.00) or submit a new standard form application to proceed without prepayment of fees and affidavit so the court may determine whether he is still eligible to proceed in forma pauperis.

NOTE: Failure to timely comply with this order shall result in dismissal of this case without prejudice.


UNITED STATES DISTRICT JUDGE